



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	9/15/10	AGENDA REQUEST NO:	III-D
INITIATED BY:	HAROLD ELLIS, PLANNER II <i>HE</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING:	SPECIAL EXCEPTION TO THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT MINIMUM REAR YARD SETBACK REQUIREMENT FOR 3906 COLONY WOODS DRIVE PUBLIC HEARING, CONSIDERATION AND ACTION
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EXHIBITS:	STAFF REPORT, VICINITY MAP, SITE PLAN, PLAT EXCERPT, SITE PHOTOS, AERIAL PHOTOGRAPH, APPLICATION, PUBLIC HEARING NOTICE
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CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUGLAS SCHOMBURG, AICP <i>D.S.</i>

RECOMMENDED ACTION

Approval of the requested Special Exceptions to allow the proposed construction in accordance with the attached site plan and elevations.

EXECUTIVE SUMMARY

The request is for a Special Exception from the required rear yard setback in the Restricted Single-Family Residential (R-1R) District for property located at 3906 Colony Woods Drive in *Colony Woods Section One* subdivision. The property was platted in 1988 and annexed into the City of Sugar Land in 1997. At that time, R-1R zoning was applied to the subdivision, which requires a 30-foot rear yard setback. The owner has requested the Special Exception in order to construct a covered patio on the rear of the home, which would extend approximately fifteen feet into the required 30-foot rear yard setback. The proposed covered patio addition would meet the 15-foot setback as required by First Colony Community Association's recorded restrictions.

CC: Thomas Henlser, thensler@earthlink.net
File No. 12513

EXHIBITS

STAFF REPORT

Request for a Special Exception to the Restricted Single-Family Residential (R-1R) district minimum rear yard setback requirement for 3906 Colony Woods Drive.

Subject Property Description:

Address: 3906 Colony Woods Drive
Subdivision: Colony Woods Section 1
Block: 2
Lot: 1
Annexation Date: 1997
Zoning District: Restricted Single-Family Residential (R-1R)

Requested Special Exception:

The requested Special Exceptions are as follows:

To encroach into the 30' rear setback by approximately 15'. This brings the proposed construction within 15' of the rear property line.

Staff Analysis of Requested Special Exception - Four Development Code

Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criteria One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1988

Annexed: 1997

Criteria Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

First Colony Covenants and Restrictions establish 15' as the rear building line. Chapter 2 (Zoning) requires a rear setback of 30'. The Covenants and Restrictions are less restrictive than the City of Sugar Land zoning requirements.

Criteria Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The Special Exception would allow construction within 15' of the rear property line which does not establish a setback that is less restrictive than the plat.

Criteria Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- Public Safety Review: Staff has not identified any safety concerns as a result of the proposed construction.
- Proposal and the Neighborhood – Bulk Standards Comparison: Based on an analysis performed by staff of the area (shown below in aerial map and chart format), many of the residential lots located in the Colony Woods Section One subdivision do not meet the City's current rear yard setback requirement for the R-1R zoning district. More specifically, the majority of the homes along the North Side of Colony Woods Drive, abutting the golf course, do not appear to meet the 30' rear setback. Therefore, the proposed construction does not appear to be incompatible with the surrounding area in terms of bulk (i.e. setbacks and lot coverage). This is most likely due to the fact that the subdivision was largely developed prior to annexation.

Proposal and the Neighborhood Comparison Aerial:



Proposal and the Neighborhood – General Architectural & Landscape Context:

There are no apparent significant architectural compatibility issues with the proposed construction relative to the existing neighborhood. It is staff's understanding that the building plans have been approved by the private architectural review committee of First Colony Community Association. The proposed construction consists of approximately 175 square feet of covered patio, and other than the rear setback, all applicable Development Code regulations would be met.

Conditions:

To ensure that the granting of a Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may as part of its decision to grant a Special Exception:

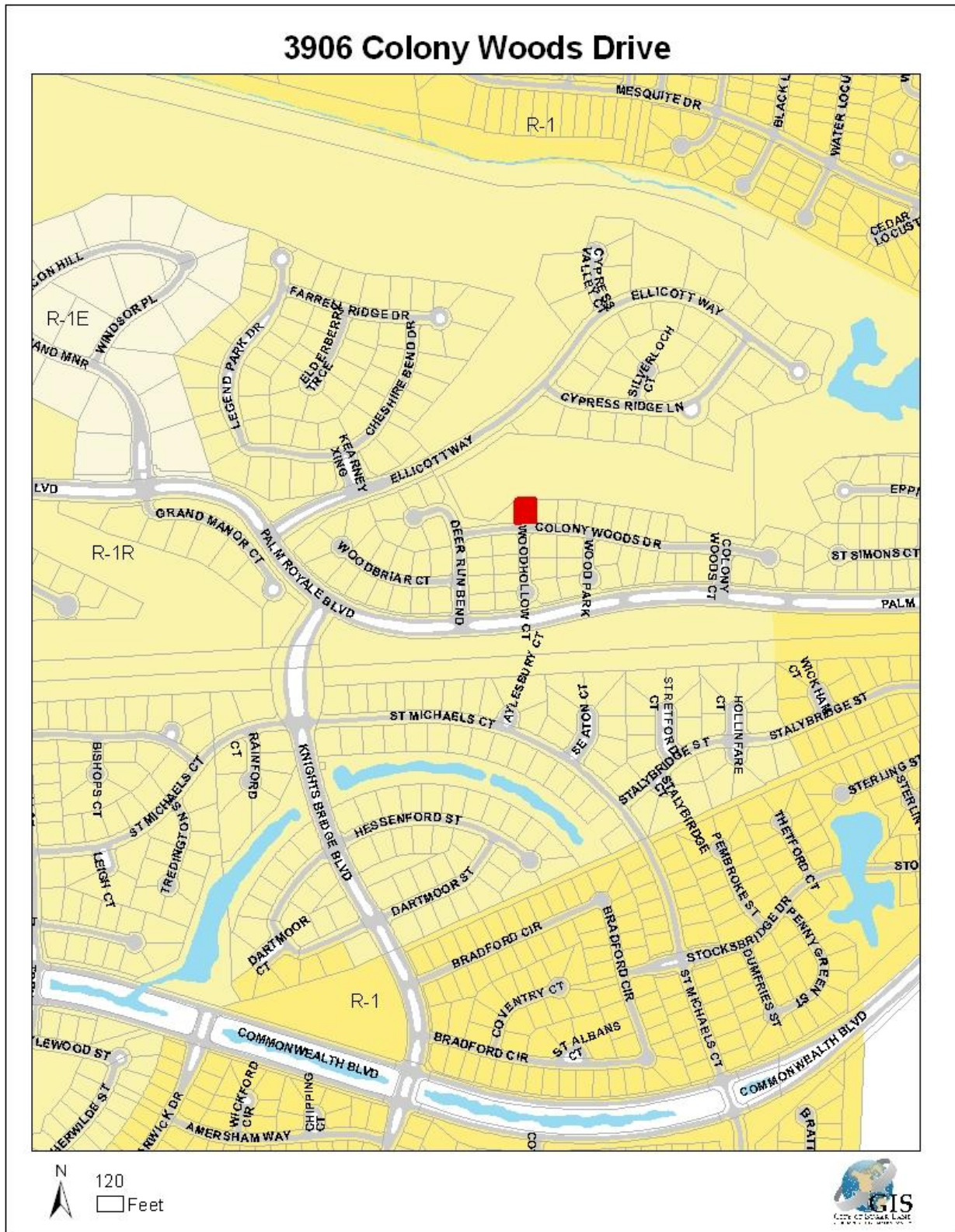
- 1. Impose reasonable conditions or restrictions; and***
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.***

One consideration is for the Board to allow the proposed Special Exception provided that construction complies with the attached site plan.

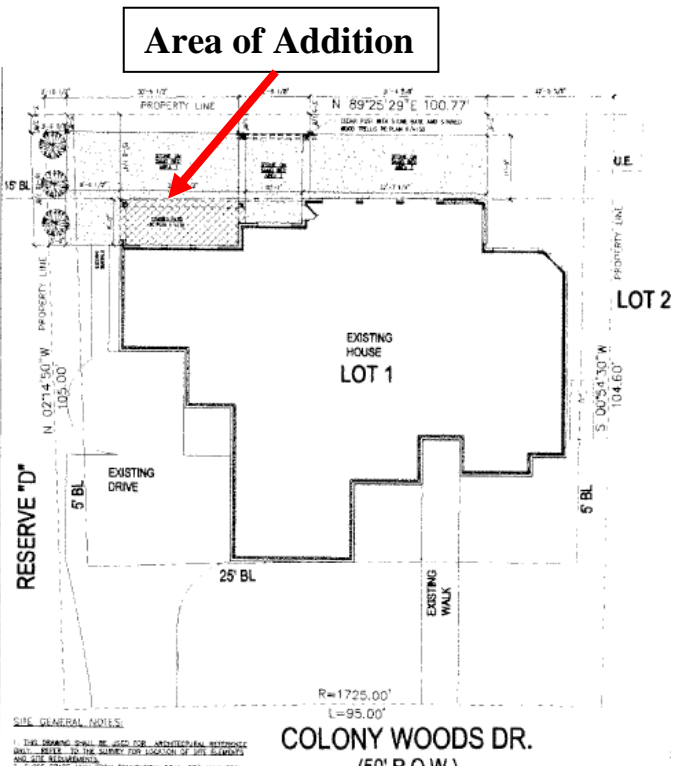
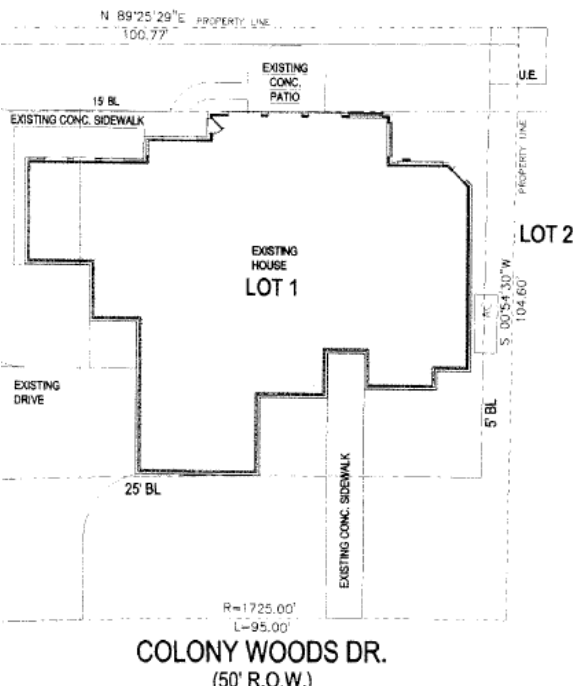
Public Hearing:

Notice of this Public Hearing was published in a newspaper of general circulation, and all property owners within 200 feet of the site of this Special Exception case were notified in accordance with Chapter Two, Article I of the Development Code. A courtesy notification sign was placed on the property and the First Colony Community Association (FCCA) was notified as well. In addition, the Public Hearing notice was posted on the City of Sugar Land website. At this time, staff has received one inquiry regarding this Public Hearing, which was informational in nature.

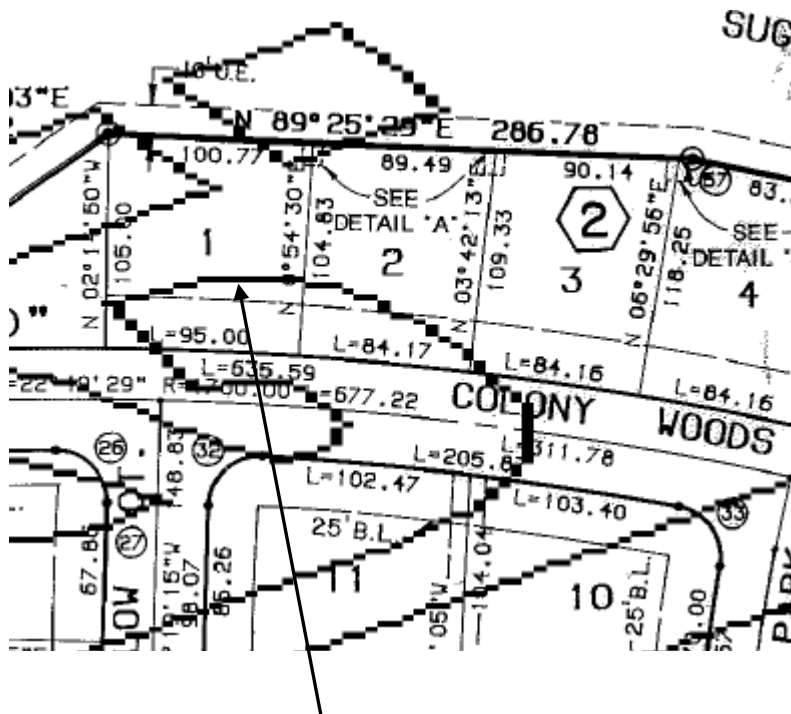
Vicinity Map:



Site Plan Sketch:



Excerpt from Recorded Plat, Colony Woods, Section One:



ADDRESS: 3906 COLONY WOODS DRIVE

PROPERTY IS PLATTED AS:

LOT 1, BLOCK 2, COLONY WOODS SECTION ONE, RECORDED IN SLIDE
944A, PLAT RECORDS OF FORT BEND COUNTY, TEXAS
(RECORDED IN 1988)

Site Photos:



Front of house



Rear of House/Area of construction

Aerial Photograph:



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FOR OFFICE USE
Accounting Code: ZC
\$537.25

App. Revised Oct. 2008

NOTICE OF PUBLIC HEARING

**SPECIAL EXCEPTION
3906 COLONY WOODS DRIVE
COLONY WOODS SECTION ONE**

NOTICE OF PUBLIC HEARING ON A REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT IN THE RESTRICTED SINGLE FAMILY RESIDENTIAL (R-1R) DISTRICT, 3906 COLONY WOODS DRIVE, LOT 1, BLOCK 2, COLONY WOODS SECTION ONE

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED SPECIAL EXCEPTION REQUEST SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
5:00 P.M., SEPTEMBER 15, 2010**

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.